

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

MICHAEL COMMEAU,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 09-361-B-W
)	
MAINE, STATE OF, et al.,)	
)	
Defendants.)	

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on August 28, 2009 her Recommended Decision. The Plaintiff filed his objections to the Recommended Decision on September 2, 2009.¹ I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.
2. It is further ORDERED that the Complaint (Docket # 1) be and hereby is DISMISSED pursuant to 28 U.S.C. § 1915A(b)(1-2) because it fails to state a claim upon which relief can be granted as to all defendants and because it seeks monetary relief from defendants, the State of Maine and its agencies, who are immune from such relief.

¹ In his objection, Mr. Commeau clarified that his wife was not involved in procuring the DVDs that formed the basis of his Complaint. Even when the Complaint is read with this in mind, the allegations in the Complaint still do not meet the legal requirements for a claim for the reasons the Magistrate Judge explained in detail in her Recommended Decision.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 22nd day of September, 2009